does not destroy the relation of marriage but merely suspends some of the obligations arising out of that relation, it follows that the right as regards succession to property, is not impaired. * * * From this it would result that arrears of alimony belong to the husband; and it would seem to be against right to compel him to pay to another that which belongs to himself." The principal case is interesting in that it determines, to some degree at least, the nature of the right the wife has in alimony. The Court says, "But alimony is not a personal claim in the same sense that a cause of action for slander or assault is personal. It is personal in a sense that it is a provision made by the court in favor of the wife for her maintenance and support, and cannot be diverted from that purpose." But in *Romaine* v. *Chauncey,* 129 N. Y. 566, 575, 29 N. E. 826, 14 L. R. A. 712, 26 Am. St. Rep. 544, it was held that alimony could not be taken by a creditor of the wife in discharge of a debt incurred by her *prior* to the granting of the decree, because if such a claim were allowed the very object, viz., the support of the wife, would be frustrated. Likewise it has been held that a decree for alimony is not affected by a discharge of the husband in bankruptcy. *Wetmore* v. *Markoe,* 196 U. S. 68, 25 Sup. Ct. 172, 49 L. Ed. 390, 2 Ann. Cas. 265.

EASEMENTS—CREATION OF WAY BY IMPLICATION.—Plaintiff owned two adjoining tracts of land, and conveyed one to defendant. The usual means of access to the house on defendant's tract was a way across the land retained by plaintiff. In an action to prevent defendant from using the way, defendant counter-claimed title to the way by virtue of a grant implied in the deed. *Held,* in awarding new trial, that the facts were insufficient to show an implied grant of the way to defendant. *Michelet* v. *Cole* (N. M. 1915) 149 Pac. 310.

In examining the older cases it seems to have been, to quote the language of the principal case, "the general rule * * * that no right in a way which has been used during the unity of possession will pass upon the severance of the tenements unless proper terms are employed in the conveyance to show an intention to create the right de novo." *Worthington* v. *Gimson,* 2 E. & E. 618; *Pearson* v. *Spencer,* 1 B. & S. 571; *Parsons* v. *Johnson,* 68 N. Y. 62; *Grant* v. *Chase,* 17 Mass. 443; *Morgan* v. *Menth,* 60 Mich. 238; *O'Rorke* v. *Smith,* 11 R. I. 259; *Stuyvesant* v. *Woodruff,* 21 N. J. L. 133; *Fetters* v. *Humphreys,* 18 N. J. Eq. 260; *Providence Tool Co.* v. *Corliss Steam Engine Co.,* 9 R. I. 564; *Bonelli* v. *Blakemore,* 66 Miss. 136; See note to *Elliott* v. *Rhett,* 57 Am. Dec. 750 at 766. For a quasi-easement to be turned into an easement by implied grant on a severance of the tenements it must be apparent, continuous, and reasonably necessary for the enjoyment of the estate granted. TIFFANY, REAL. PROP., § 317. The cases cited above seem to proceed on the theory that a way from its nature is not continuous, as it can only be enjoyed at intervals and by the active interference of the party entitled to its use. *Polden* v. *Bastard,* 4 B. & S. 257; *Bonelli* v. *Blackmore, supra; Parsons* v. *Johnson, supra.* Consequently it can never be turned from a quasi-easement into a real easement as it lacks the essential quality of continuity. While the rule just considered may still be the weight of authority

(14 CYC. 1169) the recent cases indicate a tendency away from it. See *Brown* v. *Alabaster,* L. R. 37 Chan. Div. 490. It seems to be the tendency of the American courts to consider a quasi-easement continuous when there has been a permanent adaptation of the tenements to the exercise of the right. *Larsen* v. *Peterson,* 53 N. J. Eq. 88. This has led to many cases holding that a way which has been permanently established on one part of a tenement for the benefit of another part will, upon a severance of that tenement, pass by implied grant as an appurtenance to that part of the estate for the benefit of which it was established. *Mattes* v. *Frankel,* 157 N. Y. 603; *Martin* v. *Murphy,* 221 Ill. 632; *Gorton-Pew Fisheries Co.* v. *Tolman,* 210 Mass. 402; *Liquid Carbonic Co.* v. *Wallace,* 219 Pa. St. 457; *Baker* v. *Rice,* 56 Ohio St. 463; *Rightsell* v. *Hale,* 90 Tenn. 556; *Scott* v. *Moore,* 98 Va. 668; *Eliason* v. *Grove,* 85 Md. 215; *Rollo* v. *Nelson,* 34 Utah 116; *Keokuk Electric Co.* v. *Weismann,* 146 Iowa 679; *German Savings & Loan Soc.* v. *Gordon,* 54 Ore. 147; See 13 MICH. LAW REV. 359.

ELECTIONS—CONSTITUTIONALITY OF PREFERENTIAL VOTING.—An action was brought by the plaintiff, an elector of the city of Duluth to test the constitutionality of a preferential system of voting, adopted by that city, under which the general municipal election of 1915 was held. The scheme of such a method of voting allows the voter to express first, second, and additional choice, votes, so that if there be no majority of first choice votes then second choice, and additional choice votes may be added in order to elect the candidate having a plurality of votes of all choices. The Constitution provided: "That every male person of the age of twenty-one or upwards * * * shall be entitled to vote * * *for all officers that now are, or hereafter may be, elective by the people." (Const. Art. 7 § I.) *Held,* that this preferential system impaired the constitutional right of suffrage because the ballot of one elector, cast for one candidate, could be of greater or less effect than the ballot of another elector, cast for another candidate. *Brown* v. *Smallwood* (Minn. 1915), 153 N. W. 953.

The particular plan adopted by the Duluth charter is new, yet it would appear to be but another attempt to obtain minority representation; and in the election the candidate, Smallwood, who received a less number of first choice votes, was eventually the winner. Though there is little authority upon the method here adopted, it is closely analogous to the "cumulative" and "restrictive" systems. Cumulative voting has been held violative of constitutional provisions similar to the present upon the same principles. *Maynard* v. *Board of Canvassers,* 84 Mich. 228, 47 N. W. 756; *State* v. *Thompson,* 21 N. D. 443, 131 N. W. 239. Restrictive voting has also been declared unconstitutional for the same reasons. *State* v. *Constantine,* 42 Ohio St. 437, 51 Am. Rep. 833; *Opinion to House of Representatives,* 21 R. I. 579, 41 Atl. 1009; *McArdle* v. *Jersey City,* 66 N. J. Law 590, 49 Atl. 1013; and *Bowden* v. *Bedell,* 68 N. J. Law 451, 53 Atl. 198. These two systems seek to obtain by multiplication and subtraction what the preferential seeks by addition; and all three contravene the right of an elector to have his ballot count *one,* because the Constitution implies a representative form of